

VZCZCXRO1018
OO RUEHDT RUEHHM RUEHPB
DE RUEHHI #1084/01 2871052
ZNR UUUUU ZZH
O R 141051Z OCT 09
FM AMEMBASSY HANOI
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0301
INFO ASEAN REGIONAL FORUM COLLECTIVE
RUEHHM/AMCONSUL HO CHI MINH CITY 0097

UNCLAS SECTION 01 OF 03 HANOI 001084

SENSITIVE
SIPDIS
STATE FOR EAP/MLS AND DRL/AWH

E.O. 12958: N/A
TAGS: PHUM PGOV PREL VM
SUBJECT: Nine Dissidents Convicted for "Anti-State Propaganda"

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¶11. (SBU) SUMMARY: In four separate trials October 6-9, nine dissidents affiliated with the banned political movement Bloc 8406 were sentenced to jail terms ranging from two to six years for "conducting propaganda against the State." Seven of the nine had displayed banners in Hanoi, Haiphong and Hai Duong that were critical of the Communist Party and advocated multi-party democracy. The remaining two were convicted for their online blogging, which the prosecution claimed slandered the government and the Party. The lawyer for several of the defendants was accused by the judge of "violating the law" when he complained that family members should be allowed to attend the trials. Poloffs were permitted to attend three of the four trials, which were conducted rapidly. The Embassy issued a press statement on the convictions October 15 (see para 8) and the DCM expressed our strong concerns regarding the convictions to a senior Foreign Ministry official the same day. Post will look for additional opportunities to reiterate these concerns with other GVN interlocutors, especially in the security services. END SUMMARY.

Three Trials in Hanoi

¶12. (SBU) In back-to-back trials in Hanoi October 6, 7, and 8, three political dissidents associated with the banned political movement Bloc 8406 were convicted under Article 88 of the Vietnamese Criminal Code for activities that the prosecution claimed amounted to anti-state propaganda. Poloffs were allowed to attend the October 7 and 8 trials of Vu Van Hung and Pham Van Troi, but were denied permission to observe the October 6 trial of dissident poet and farmer Tran Duc Thach. Thach's family was also barred from the proceedings, and he was not represented by counsel. After a two-hour trial, Thach, 57, was sentenced to three years in prison with an additional three years of administrative probation in connection with a number of articles published in the bimonthly dissident newsletter "Fatherland" that the prosecution claimed "disparaged and defamed" the Party and the State. (Note: Administrative probation usually entails regularly checking in with MPS and a ban on foreign travel, although it can resemble house arrest if the individual takes what the government deems aggressive action in protesting the government. End Note.)

¶13. (SBU) The following day, October 7, Vu Van Hung, a 43-year-old former physics teacher, received an identical sentence with credit for the 13 months he has been in detention for "attempting to sabotage the Party and State" by hanging a banner from a Hanoi overpass that called for multi-party democracy and criticized the government's record on corruption, inflation, and maritime disputes with China. (Note: Hung had previously been fired from his job as

a high school physics teacher after he helped to organize a demonstration in Hanoi during the April 2008 Olympic torch relay in Vietnam. End note.) Unlike Thach, Hung was represented by an attorney, but his family was prohibited from attending the trial. The first time his wife saw him in 13 months was as he was led away from the court. Diplomats from the United States, Australia, Switzerland, and the EU were permitted to watch the trial on closed-circuit television, as were reporters from the AFP, Reuters, and DPA. The trial lasted three hours. Several dissidents gathered outside the courthouse with Vu Hung's wife and father to show solidarity with the family.

¶4. (SBU) The third Hanoi trial ended in a similar fashion. On October 8, Pham Van Troi, 37, was sentenced to four years imprisonment and an additional four years of administrative probation for writing a report in November 2006, after the APEC Summit in Hanoi, that "slandered the Vietnamese State." Troi was also accused of defaming the GVN in interviews with overseas media. Troi was represented at his three-hour trial by attorney Huynh Van Dong. His family was prohibited from attending his trial. Diplomats from the United States, Canada, and the EU, as well as several foreign reporters, were permitted to watch the trial via closed-circuit television. Lawyer Dong said the verdict was "unjust" and promised to appeal the sentence.

Six Tried Jointly in Haiphong

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¶5. (SBU) In a two-day trial in Haiphong October 8-9, six dissidents were convicted of distributing leaflets and hanging two banners in Haiphong and Hai Duong that criticized the Party and called for democratic pluralism. The six were given sentences that ranged from a high of six years to a low of two years. The six-year sentence (plus three years of administrative probation) was given to Nguyen Xuan Nghia, 60, a 2008 Hellman/Hammett award recipient and executive committee member of Bloc 8406, who the prosecution claimed was the "ringleader" of the group. Farmer and land-rights activist Nguyen Van Tuc, 45, was sentenced to four years in prison followed by three years administrative probation. Long-time political dissident Nguyen Van Tinh, 67, who had previously been convicted of "counter revolutionary crimes" in 1967 and former Party member Nguyen Manh Son, 66, were both sentenced to three-and-a-half years in prison followed by three years administrative probation. College student Ngo Quynh, 25, was given a three-year prison sentence, followed by three years administrative probation. The lightest sentence - two years imprisonment and two years administrative probation - was given to Nguyen Kim Nhan, 60, who only had a peripheral involvement in hanging one banner. Poloff, in addition to diplomats from Australia and the EU, as well as reporters from AFP, Reuters and DPA were permitted to watch the trial via closed-circuit television.

¶6. (SBU) During the two-day trial, the prosecution argued that the defendants had violated Article 88 of the criminal code and Article 4 of the Constitution which affirms the supremacy of the Party. Only three family members were permitted to attend the trial and only as witnesses for the prosecution. Three of the defendants were represented by attorney Tran Vu Hai, who strenuously argued that the defendants were entitled to free speech under Vietnam's constitution and the International Convention of Civil and Political Rights, to which Vietnam is a party. Hai highlighted that Ho Chi Minh founded not only the Communist Party of Vietnam but also assisted in the creation of the Democratic Party of Vietnam. He even quoted Ho Chi Minh, stating that we should not discriminate among political parties. Hai had several run-ins with

the judge and at one point was told repeatedly "You are in violation of the law!" for questioning the court's decision not to allow family members into the hearing. A procession of eight heavily armed police vehicles transported the defendants to the trial. Several hundred uniformed and plain-clothes police officers were arrayed outside the court.

17. (SBU) During a working lunch on October 15, the DCM conveyed our strong objections to the arrest and convictions of the dissidents to Foreign Ministry Deputy Director of the Americas Department Ba Hung. She noted that these convictions, together with the violent expulsion of monks and nuns from the Bat Nha Monastery, reflect a deteriorating human rights situation in Vietnam. Ba Hung took note of these concerns but did not comment directly on the convictions. Rather, he reiterated the oft-mentioned GVN position that the bilateral relationship should not be held hostage to disagreements on a single issue. The DCM countered that human rights concerns could not be compartmentalized and would affect other areas of the relationship.

Press Statement on Convictions

18. (U) Begin Text of Press Statement:

Democracy Advocates Convicted in Vietnam

The Embassy of the United States in Hanoi is deeply disturbed by the convictions last week of nine democracy activists in Vietnam.

The nine individuals were charged with conducting "anti-government
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propaganda" and given sentences of up to six years in prison for undertaking peaceful activities in support of democracy, human rights and political pluralism. The activists were simply expressing their views peacefully and posed no threat to Vietnam's national security. We are also concerned about the arrest of writer Tran Khai Thanh Thuy, who was beaten and arrested after she publicly expressed her support for the nine activists. No individual should be beaten, arrested, or jailed for exercising the right to free speech.

These actions, together with the violent expulsion of monks and nuns from the Bat Nha Monastery in Lam Dong Province and the government's failure to protect them from assault, contradict Vietnam's own commitment to internationally accepted standards of human rights and the rule of law.

We urge the Government of Vietnam to honor its international human rights commitments, and immediately and unconditionally release these and other prisoners who are in detention for peacefully expressing their views.

End Text.

Comment

¶ 9. (SBU) The nine dissidents were arrested over a year ago in what in retrospect marked an escalation in a more general crackdown on political dissent. With the exception of the six years given to Bloc 8406 Executive Committee member Nguyen Xuan Nghia, the sentences appear only slightly longer than the average given to political dissidents over the past three years. However, the bar seems to have been lowered on what has constituted a crime. These convictions, together with the beating and arrest of writer Tran Khai Thanh Thuy who was protesting at the trials (septel) and the treatment of the monks and nuns from the Bat Nha Monastery, are matters of serious concern that need to be raised with GVN officials, including within the context of the annual Human Rights Dialogue meeting in November. End Comment.

Michalak